

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

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306.01 DEEMING OF RESOURCES

For SSI and Medicaid purposes, an individual's resources are deemed to include any resources of an ineligible spouse or ineligible parent(s). Resources are deemed whether or not they are actually available. Deeming only applies in household situations, i.e., it only applies to an eligible with an ineligible spouse or parent(s).

In deeming resources from one spouse to the other, consider only the resources of those two individuals. In deeming resources from a parent to a child, consider only the resources of the parent. Where there is more than one eligible child, the resources available for deeming are shared equally among the children.

Example: If there are two eligible children and \$500 in parental resources must be deemed, deem \$250 to each child.

Do not include the resources of a stepparent who is not legally liable for support of the child under state law in the deeming process.

306.01.01 EXCEPTION TO DEEMING OF RESOURCES

Effective September 1, 1987, pension funds owned by an ineligible spouse or parent(s) are excluded from resources for deeming purposes. This exclusion applies in order for an ineligible spouse or parent(s) to provide for their own future support. Pension funds are defined as monies held in a retirement fund under a plan administered by an employer or union, or an individual retirement account (IRA) or Keogh account as described by Internal Revenue Code.

306.01.02 SPOUSE TO SPOUSE DEEMING

Total countable resources are the combination of the resources of the eligible individual and ineligible spouse after all applicable resource exclusions are applied. Total countable resources are compared to the resource limit for a couple. If the amount of the resources does not exceed the limit, the applicant/recipient meets the resource eligibility requirement. If countable resources exceed the limit for a couple, the applicant/recipient is ineligible. Verify and document the ineligible spouse's resources as required for an eligible individual.

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Spouse to Spouse Deeming (Continued)

Eligible Spouses Not Living Together

If an eligible individual and eligible spouse are **not** living together, the resources of both members (whether owned separately by each or jointly by both) are combined only for the month of separation. Each member of the couple is treated as an eligible individual beginning with the month after the month of separation, i.e., no longer living in the same household, and the resource limit for each is the individual resource limit.

Deeming and Changes in Marital Status

When a change occurs in marital status, a new resource limit is established and a new resource determination is made for the first month in which the new resource limit (individual or couple) is effective as a result of the change.

Make a new resource determination for the first month in which a new resource limit (individual or couple) is effective as a result of the change in marital status.

Example: If two eligible individuals marry in February, a new resource determination would be required for March since the individuals became a couple effective on the first day of March as a result of the marriage.

For SSI or Medicaid purposes, the marital relationship of a couple can be ended by death, divorce or annulment:

- If a marriage ends by death, divorce or annulment in the same month the marriage began, treat the marriage as though it had not occurred.
- Beginning with the month following the month of the death of one member of a couple, the surviving member will be an eligible individual if all other eligibility criteria are met.
- If the marital relationship of a couple terminates by divorce or annulment, each member of the couple should be treated as an individual effective the first day of the month following the month the couple no longer lives in the same household.

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306.01.03 PARENT TO CHILD DEEMING

In determining eligibility for a child under age 18 (or under 21, if a student), who lives with his parent(s), the resources of the child include the value of the countable resources of the parent(s) or parent/stepparent to the extent that the resources of the parent(s) or parent/stepparent exceed the resource limit of:

- An individual, if one parent lives in the household; or
- A couple, if two parents live in the household.

Considerations When Deeming from Parent(s) to Child

When deeming from parent(s) to child, the following should be considered:

- Do not include the resources of the stepparent in the deeming process.
- The value of parental resources is subject to deeming whether or not those resources are available to the child.
- If there is more than one eligible child under 18 or (under 21, if a student) in the household, equally divide the value of the deemed resources among those children.
 - If an eligible child is later determined ineligible for any reason or is no longer subject to deeming (e.g., after attainment of age 18). Divide the value of the deemed resources among the remaining eligible children effective with the first month the child is ineligible or no longer subject to deeming.
- A child's total countable resources are the combination of the value of the deemed resources and the non-excluded resources of the child.

Resource Determination for a Child

A child's countable resources are compared with the resource limit for an individual with no spouse. If the resources do not exceed the limit, the child meets the resource eligibility requirement. If countable resources exceed the limit, the child is ineligible because of the excess resources.

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306.01.04 MULTIPLE DEEMING

When more than one eligible individual lives in the same household and there is a parent-child relationship, a multiple deeming situation may exist:

- If a child under age 18 (or under 21, if a student) lives in the same household with a parent(s) applying for Medicaid or an eligible parent(s), determine the countable resources of the parent(s).
- If the parent(s) meets the resource eligibility requirement, do not deem the value of any parental resources to the child.
- If the parent(s) do not meet the resource eligibility requirements, follow the usual parent-to-child resource deeming rules to determine the value of the deemed parental resources.